

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

| | | |
|------------------------------|---|------------------------------------|
| MATTHEW VANDERHOOP, |) | |
| Plaintiff |) | |
| |) | |
| v. |) | |
| |) | |
| WILMINGTON SAVINGS FUND |) | Civil Action No. 1:18-CV-11924-FDS |
| SOCIETY FSB, CHRISTIANA |) | |
| TRUST, NOT IN ITS INDIVIDUAL |) | |
| CAPACITY, BUT SOLELY AS |) | |
| TRUSTEE FOR BCAT 2014-10TT, |) | |
| Defendant |) | |
| |) | |

**MOTION IN OPPOSITION TO
DEFENDANT'S MOTION TO DISMISS**

Plaintiff, Mr. Matthew Vanderhoop, hereby submits this Motion in Opposition to Defendant's motion to dismiss Mr. Vanderhoop's *Complaint and Motion for Temporary Restraining Injunction for Protection from an Unlawful Foreclosing Auction of his Home, G.L.c. 244, §35B.*

In support of this Motion, Mr. Vanderhoop states that he has alleged sufficient facts in his *Complaint* that have facial plausibility, and that his *Complaint* alleges legally cognizable injuries, upon which relief can be granted. Defendant has, therefore, failed to meet its burden, and is not entitled to a motion to dismiss.

The attention of the Court is respectfully directed to Mr. Vanderhoop's *Memorandum of Law in Opposition to Defendant's Motion in Opposition to Dismiss*, filed herewith, and to arguments to be properly presented in support of the requested relief of this motion.

WHEREFORE, Mr. Vanderhoop, respectfully, request that this honorable court enter an order to:

1. Deny Defendant's motion to dismiss Mr. Vanderhoop's *Complaint and Motion for Temporary Restraining Injunction for Protection from an Unlawful Foreclosing Auction of his Home, G.L.c. 244, §35B.*
2. Grant Mr. Vanderhoop's request for a Preliminary Injunction to refrain Defendant from scheduling or holding a foreclosure auction sale of Mr. Vanderhoop's home until a trial on the merits.
3. Grant Mr. Vanderhoop's request for a Permanent Injunction to refrain Defendant from scheduling or holding a foreclosure auction sale of Mr. Vanderhoop's home until a trial on the merits.
4. Grant Mr. Vanderhoop any other such further relief as is just and equitable.

October 30, 2018

Respectfully submitted,
MATTHEW VANDERHOP
By his attorney,

“/s/”*Deborrah M. Doman*
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| Defendant |) | |
| |) | |

CERTIFICATE OF SERVICE

I, Deborah M. Dorman, certify that Plaintiff's *Motion in Opposition to Defendant's Motion to Dismiss* was filed today, October 30, 2018, through the ECF system to be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

October 30, 2018

Respectfully submitted,

“/s/”
Deborah M. Dorman